



United States Mission to the OSCE

Session 1: Freedom of Expression, Free Media and Information

As prepared for delivery by Michael Stevens
to the OSCE Human Dimension Implementation Meeting
Warsaw, October 2, 2006

Mr. Moderator,

Freedom of expression and a free and independent media are essential to a modern, open democracy. In the 1990 Copenhagen document, participating States reaffirmed the right of everyone to freedom of expression, including the right to communicate and exchange information “without interference by public authority and regardless of frontiers.” A year later, in the 1991 Moscow document, the participating States declared that a free media is “essential to a free and open society and accountable systems of government.” However, 15 years after this declaration, we continue to see the strangulation of a free media in several OSCE participating States. This is the case most notably in Belarus, Turkmenistan and Uzbekistan. Trends on media freedom in the Russian Federation are moving in a disturbing direction. There have also been negative developments in Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan and Tajikistan, as well as Turkey.

In many countries, government officials and their allies continue to use lawsuits, arcane regulations or repressive harassment to impose self-censorship or worse. We also see the increased use of criminal defamation sentencing to punish journalists.

In Belarus, amendments to the criminal code that came into force at the beginning of the year have further restricted freedom of expression. Under this law those who give “false” information to a foreigner on the political, economic, social, military or international situation to a foreigner are subject to imprisonment. As the noose tightens around what remains of that country’s independent media, Belarusian authorities are close to monopoly control over the media. Printing houses are under official pressure and often refuse to print independent newspapers. Criminal defamation laws are also used to try to prevent reporting on official misconduct. Journalists are intimidated, dozens of Belarusian and foreign journalists were prevented from reporting, were assaulted and detained in connection with the fraudulent March presidential elections.

As for Central Asia, all media remain tightly censored in Uzbekistan and Turkmenistan, where there is no press freedom. Reporters Without Borders has listed Uzbekistan as one of the world’s 15 Internet “black holes.” Turkmenistan’s government agents subject journalists to arrest, harassment, intimidation, and violence. In May, the government of Turkmenistan banned local journalists from all contact with foreigners unless specifically permitted. The United States again calls upon the Government of Turkmenistan to undertake a transparent investigation into the death in custody of journalist Ogalsapar Muradova and remains concerned about the fate of her colleagues.

Even where some diversity of views can be found in the print media, electronic media often remains in the hands of the state or people close to the ruling authorities. In Kazakhstan, President Nazarbayev signed restrictive amendments to the media law on July 5 which the OSCE Representative on Freedom of the Media found do not meet OSCE commitments. Even the president's daughter Dariga, a pro-government media holder, has said that the law "does not match the legislation of any democratic nation or adhere to any international standards."

In Kyrgyzstan, President Bakiyev's recent veto of a law to transform the state TV and radio into an independent entity is disappointing, especially given that this was one of his key campaign promises. In the Russian Federation, authorities continue to employ administrative measures to deter coverage critical of the government. Journalists of state-owned media have reported receiving "guidelines" prepared by the Kremlin indicating which politicians to support and which to oppose. Authorities have also exploited the media's dependence on government for transmission facilities, property, and distribution services.

In November 2005, Olga Romanova, a presenter for the Moscow television station Ren-TV, was dismissed after publicly protesting censorship at the channel. Vladimir Rakhmankov, editor of the now defunct online newspaper *Kursiv*, is facing charges under article 319 of the criminal code for poking fun at President Putin's appeal to the Russian people to increase birthrates. Additionally, Russia continues to be among the more dangerous places in the OSCE region to be a journalist.

Also of concern is Turkey's continued suppression of free speech through use of Turkish Penal Code Article 301 and the Anti-Terror Law. For example, in one Article 301 prosecution, an Istanbul prosecutor brought a case against author Orhan Pamuk for telling the Swiss magazine *Das Bild*: "Thirty thousand Kurds and one million Armenians were killed in these lands." Ultimately the case was dismissed on procedural grounds. Sehmus Ülek, vice-president of the Mazlum-Der human rights organization, Ersen Korkmaz, owner of Demokrat Iskenderun newspaper, Fatih Taş, owner of the Aram publishing house and Ragip Zarakolu, owner of the Belge publishing house have all been charged under Article 301, in an effort by prosecutors to quell free speech.

In Azerbaijan, there has been a string of very disturbing physical attacks on journalists, as well as an ongoing campaign of legal action against them. Journalists in prison at this moment include Sakit Zahidov, who writes satirical poetry, and Sahin Agabayli, the editor of the opposition newspaper *Milli Yol*, who was sentenced to one year in jail for "insulting the honor and dignity" of a legislator from the ruling New Azerbaijan Party.

In Armenia, the A1+ TV station remains off the air, despite strong protests by the OSCE. On July 18, the editors of eight leading newspapers and the heads of several NGOs released a statement expressing their concern at growing official pressure on journalists who criticize the Armenian authorities.

In short, Mr. Moderator, events over the past twelve months continue to demonstrate disturbing trends against freedom of expression and media, in violation of the commitments that all participating States have accepted.

The July Supplemental Human Dimension Meeting on Freedom of the Media was a very worthwhile session. It raised many matters of concern. At this meeting, we proposed several

recommendations to address some of the problems just described. The United States will include these recommendations as part of our written statement, and we encourage participating States to act on these recommendations.

- Participating States should enact and enforce laws such as Freedom of Information Acts that help ensure routine public access to government records, press conferences and judicial trials.
- Participating States should enact and enforce laws or regulations that promote parliamentary transparency such as affording timely public access to draft and enacted laws and regulations, legislative voting records and key government decisions.
- Participating States should remove administrative obstacles that hinder journalists from doing their job. These include but are not limited to:
 - Laws that effectively criminalize criticism of the government or government officials;
 - Restrictive and expensive accreditation requirements;
 - Travel bans prohibiting legitimate journalists from traveling internally or abroad; and
 - Excessive taxes on ink, paper and media equipment.
- Participating States should also ensure that journalists who are arrested, detained and charged have timely access to competent legal counsel and are immediately informed of the particular charges filed against them.
- Participating States should ensure the timely, thorough and independent investigation and, if necessary, prosecution of those who harass, intimidate or attack journalists.